Title: MIXING AND POURING APPARATUS AND VESSEL THEREFOR

REMARKS

By this amendment, Applicant has amended claims 2, 3, 10, 14, 15, 16, and 18. Claims 2, 10, 14, and 15 were amended to change their dependencies. Claims 15 and 16 were amended to correct mis-spellings. No new matter has been added. Applicant has cancelled claim 1. Claims 2-20 therefore remain for consideration in the application.

Claim Rejections Under 35 U.S.C. § 112

Claim 3 was rejected under 35 U.S.C. § 112. Applicant has amended claim 3 to change the original limitation "the locking ports" to "the vacuum ports" to eliminate the antecedent basis issue. Applicant submits that the amendment overcomes the rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 10-11 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Champsiex et al. (U.S. Patent No. 5,578,268). Claim 1 has been cancelled. Claims 2 and 10 have been amended to depend from amended claim 3, and as amended claim 3 was indicated as allowable if properly re-written, Applicant submits that claims 2 and 10 are also allowable. Claim 11 depends from and further defines patentably distinct claim 10, and is also believed allowable. Claim 18 has been amended to further define the locking arm, similarly to claim 3, and Applicant submits that the added recitation to claim 18 allows it to define over the cited art.

Claim Rejections Under 35 U.S.C. § 103

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Champsiex et al. as applied to Claim 2 above and further in view of Valenzky et al. (U.S. Patent No. 4,707,139). Claim 14 has been amended to depend from amended claim 3, and as amended claim 3 was indicated as allowable if properly re-written, Applicant submits that claim 14 is also allowable.

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Allowable Subject Matter

Claims 3-9, 12-13, 15-17 and 19 were objected to as being dependent upon a rejected base claim. Applicant has amended claim 3 to include the subject matter of claim 1, and respectfully submits that the claim as amended is allowable. Claims 2 and 4-17 depend directly or indirectly from and further define patentable distinct claim 3, and are also believed allowable.

Claim 19 depends from and further defines patentably distinct claim 18, and is also believed allowable.

Applicant thanks the Examiner for the allowance of claim 20.

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CONCLUSION

Applicant respectfully submits that all claims are in condition for allowance, and requests reconsideration of the rejection and allowance of all remaining claims. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 22 July 2005

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